UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,807	02/08/2001	Christopher Stone	TLQ-001	5595

7590 09/24/2004	**EXAMINER**
LAHIVE & COCKFEILD LLP	TRAN, QUOC A
VIEWLOCITY INC	

ART UNIT	PAPER NUMBER
2176	

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DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/779,807	STONE ET AL.
	Examiner	Art Unit	
	Quoc A. Tran	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 February 2001</u>.

2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-36</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-36</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date <u>05/29/2001</u>.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to application filed 02/08/2001.

2.   Claims 1-36 are pending. Claims 1, 12, 15, 19, 20 and 32 are independent

claims.

3.   If a copy of a provisional application listed on the bottom portion of the

accompanying Notice of References Cited (PTO-892) form is not included with this

Office action and the PTO-892 has been annotated to indicate that the copy was not

readily available, it is because the copy could not be readily obtained when the Office

action was mailed. Should applicant desire a copy of such a provisional application,

applicant should promptly request the copy from the Office of Public Records (OPR) in

accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR

1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to

this Office action will not be reset under MPEP § 710.06 unless applicant can

demonstrate a substantial delay by the Office in fulfilling the order for the copy of the

provisional application. Where the applicant has been notified on the PTO-892 that a

copy of the provisional application is not readily available, the provision of MPEP

§ 707.05(a) that a copy of the cited reference will be automatically furnished without

charge does not apply.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by

Wheeler et al. US Pub No. 2002/0035555 A1 issued 03/21/2002 filed 08/03/2001

provisional No. 60/223,085 filed 08/04/2000 (hereinafter '555), in view of Nicastro

et al. US Pub No. 2002/0073114 A1 issued 06/13/2002 filed 10/30/2001 provisional

No. 60/244,492 filed 10/30/2000 (hereinafter '114).

In regard to independent claim 19, *"receiving data in a homogenous format*

from a plurality of network users for processing and storage", as taught by '555 at

page 3, paragraph [0032] (i.e. ... hierarchical database, for a network database

...homogenous set of defined data ...),

'555 does not explicitly teach, *"identifying data content a selected user may*

access; and forwarding the identified data to the selected user of the communication

network", as taught by '114 at page 5, paragraphs [0076] (i.e..... owner or property

manager can access the system to derive specific information within a few seconds...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '114 into '555 to provide user access privileges, routing referenced, wherein receiving data is in a homogenous format from a plurality of network users for processing and storage. One of ordinary skill in the art would have been motivated to perform such a modification to reduce transaction costs, simplify document collaborating, and exchange information among users via network communication environment, as taught by '114 at page 3, paragraph [0033] (i.e.... Collaboration and the exchange of information, including drawings and item specifications, between design and build participants also increase the complexity of each project...).

In regard to independent claim 20, is directed to an apparatus for performing the method of claim 19 above, and is similarly rejected along the same rationale.

5.   Claims 1-10, 12-18, 21-27, and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable by Wheeler et al. US Pub No. 2002/0035555 A1 issued 03/21/2002 filed 08/03/2001 provisional No. 60/223,085 filed 08/04/2000 (hereinafter '555), in view of Mache et al. US Pub No. 2002/0035533 A1 issued 03/21/2002 filed 12/21/2000 (hereinafter '533), further in view of Nicastro et al. US Pub No. 2002/0073114 A1 issued 06/13/2002 filed 10/30/2001 provisional No. 60/244,492 filed 10/30/2000 (hereinafter '114).

In regard to independent claim 12, *"receiving one or more documents in a markup language for the data analysis"*, as taught by '555 at page 3, paragraph [0032]

(i.e. ... FIG. 2 ... data feeds that are ... in any computer language or format such as

Extensible Markup Language (XML), ... cleansing, and standardizing routines 210 are

performed on the data in order to maintain a more homogenous set of defined data...),

'555 does not explicitly teach, "*providing at least one object that defines what the

document should contain", however, as taught by '533 at page 2, paragraph [0028]

(i.e..... The data being exchanged between the participants ... are defined using a

plurality of document type definitions (DTD)...).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified '533 into '555 to provide Document Type

Definition (DTD) module for interchanging document via a communication network to

define other user analytic report references. One of the ordinary skills in the art would

have been motivated to perform such a modification to reduce transaction costs,

through automation of the exchange document references between the participants, as

taught by '533 at Abstract (i.e..... to reduce transaction costs through automation of the

exchange process using Internet and computer technology...),

'555 and '533 do not explicitly teach, "*providing at least one object that defines

how the document content is routed to other users of the distributed network based on

the identified originator and the identified recipient; providing user preferences that

define the other users analytic report preferences; selecting data required for the data

analytics from the received data based on a selected other user access privileges; and

forwarding the selected data to the selected other user for use in the data analytics",

however, as taught by '114 at page 4, paragraphs [0040]-[0043] (i.e..... route system

business objects for approval and publishing to project team members and track the

history of changes to system business objects ... management notification to team

members notifying them when specific actions occur as defined by user set business

rules... application toolsets to client devices to allow users to manipulate data stored on

the application server... includes a message center allowing users a centralized location

to view documents and items transmitted between parties... providing, responsive to a

user request, a data input tool to user client device; receiving data from the client and

storing it in a database; providing, responsive to a user request, data modification tools

including project management tools for modifying the data to the client device; and

hosting a collaboration environment on said application server...), also as taught by

'114 at page 5, paragraph [0076] (i.e... an owner or property manager can access the

system to derive specific information within a few seconds...).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified '114 into '555 and '533 to provide user access

privileges, routing referenced, and the way to analyze other users report references

before forward the selected data to the new destination. One of ordinary skill in the art

would have been motivated to perform such a modification to reduce transaction costs,

simplify document collaborating, and exchange information among users via network

communication environment, as taught by '114 at page 3, paragraph [0033] (i.e...

Collaboration and the exchange of information, including drawings and item

specifications, between design and build participants also increase the complexity of

each project...).

In regard to dependent claim 13, *"providing an analytic report format*

preference for the selected other user", as taught by '114 at page 9, paragraph [0133]

(i.e. ... definition of reporting preferences including the selection of layout per attribute

and specification data type definition of a purchasing plug-in's ability to modify the

requirements of a specification; etc...).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified '114 into '555 and '533 to providing an analytic

report format preference for the selected other user. One of ordinary skill in the art

would have been motivated to perform such a modification to reduce transaction costs,

simplify document collaborating, and exchange information among users via network

communication environment, as taught by '114 at page 3, paragraph [0033] (i.e....

Collaboration and the exchange of information, including drawings and item

specifications, between design and build participants also increase the complexity of

each project...).

In regard to dependent claim 14, *"the markup language is the extensible*

Markup Language (XML)", as taught by '555 at page 3, paragraph [0032] (i.e. ... the

data feed may be in any computer language or format such as Extensible Markup

Language (XML)...).

In regard to independent claim 15, incorporate substantially similar subject

matter as cited in claim 12 above, and is similarly rejected along the same rationale.

In regard to dependent claims 16-17, incorporate substantially similar subject

matter as cited in claim 14 above, and are similarly rejected along the same rationale.

In regard to dependent claim 18, incorporate substantially similar subject

matter as cited in claim 13 above, and is similarly rejected along the same rationale.

In regard to dependent claim 21, is directed to an apparatus for performing the

method of claims 15, and19 above, and is similarly rejected along the same rationale.

In regard to dependent claims 22, and 25, are directed to an apparatus for

performing the method of claim 12 above, and are similarly rejected along the same

rationale.

In regard to dependent claims 23-24 consecutively, are directed to an

apparatus for performing the method of claims 13-14 consecutively, and are similarly

rejected along the same rationale.

In regard to dependent claim 26, "*at least one of the objects being an object*

class that contains one or more objects with one or more attributes that define one or

more data formulas that define how to interpret the data in the received markup

language documents", as taught by '533 at page 5, paragraph [0103] (i.e. ... XML

encoded data from the LKE data processing unit 3 using style sheet processors and

style sheets... The style sheets may be written in XSL or any other style sheet

description language using a specialized style sheet processor...).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified '533 into '555 and '114 to provide the objects

class that defines data formulas and how to interpret the data in the received markup

language documents. One of the ordinary skills in the art would have been motivated to

perform such a modification to reduce transaction costs, through automation of the

exchange document references between the participants, as taught by '533 at Abstract

(i.e..... to reduce transaction costs through automation of the exchange process using

Internet and computer technology...),

In regard to dependent claim 27, *"the data formulas include style sheets and*

document type definitions", as taught by '533 at page 5, paragraph [0103] (i.e. ... XML

encoded data from the LKE data processing unit 3 using style sheet processors and

style sheets... The style sheets may be written in XSL or any other style sheet

description language using a specialized style sheet processor...), and also as taught by

'533 at page 2, paragraph [0028] (i.e....document type definition (DTD)...).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified '533 into '555 and '114 to provide the data

formulas, wherein the style sheets and document type definitions were utilized for

interchanging document via a communication network to define other user analytic

report references. One of the ordinary skills in the art would have been motivated to

perform such a modification to reduce transaction costs, through automation of the

exchange document references between the participants, as taught by '533 at Abstract

(i.e..... to reduce transaction costs through automation of the exchange process using

Internet and computer technology...).

In regard to dependent claim 29, is directed to an apparatus for performing the

method of claim 18, and is similarly rejected along the same rationale.

In regard to dependent claim 30, is directed to an apparatus for performing the

method of claim 15, and is similarly rejected along the same rationale.

In regard to dependent claim 31, *"the access mechanism is an application*

programming interface", as taught by '555 at page 3, paragraph [0032] (i.e. ... FIG. 2

shows a flow diagram 200 for processing data feeds that are attempting to be added to

a unique product manufacturer and retailer inventory database...An entry may be

introduced by a user through a user interface such as a GUI. The data feed may be in

any computer language or format such as Extensible Markup Language (XML), ... A

series of data formatting, cleansing, and standardizing routines 210 are performed on

the data in order to maintain a more homogenous set of defined data...).

In regard to independent claim 1, incorporate substantially similar subject

matter as cited in claims 12, and 15 above, and is similarly rejected along the same

rationale.

In regard to dependent claims 2-3 and 7-9, incorporate substantially similar

subject matter as cited in claim 12 above, and are similarly rejected along the same

rationale.

In regard to dependent claim 4, incorporate substantially similar subject matter

as cited in claim 14 above, and is similarly rejected along the same rationale.

In regard to dependent claim 5, *"the data formulas includes a style sheet for*

defining a format for the performed data analysis", as taught by '533 at page 5,

paragraph [0103] (i.e. ... XML encoded data from the LKE data processing unit 3 using

style sheet processors and style sheets... The style sheets may be written in XSL or

any other style sheet description language using a specialized style sheet processor...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '533 into '555 and '114 to provide the data formulas, wherein the style sheets and document type definitions were utilized for interchanging document via a communication network to define other user analytic report references. One of the ordinary skills in the art would have been motivated to perform such a modification to reduce transaction costs, through automation of the exchange document references between the participants, as taught by '533 at Abstract (i.e..... to reduce transaction costs through automation of the exchange process using Internet and computer technology...).

In regard to dependent claim 6, "*a document type definition (DTD)*", as taught by '533 at page 2, paragraph [0028] (i.e..... The data being exchanged between the participants and the data processed by the broker may be encoded using Extensible Markup Language (XML). Still further, the data structures of the system are defined using a plurality of document type definitions (DTD)...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '533 into '555 and '114 to provide the data formulas, wherein the document type definitions were utilized for interchanging document via a communication network to define other user analytic report references. One of the ordinary skills in the art would have been motivated to perform such a modification to reduce transaction costs, through automation of the exchange document references between the participants, as taught by '533 at Abstract (i.e..... to reduce

transaction costs through automation of the exchange process using Internet and computer technology...).

In regard to dependent claim 10, incorporate substantially similar subject matter as cited in claim 18 above, and is similarly rejected along the same rationale.

In regard to independent claim 32, is directed to a computer readable medium for performing the method of claim 1 above, and is similarly rejected along the same rationale.

In regard to dependent claim 33, is directed to a computer readable medium for performing the method of claims 3 above, and is similarly rejected along the same rationale.

In regard to dependent claim 34, is directed to a computer readable medium for performing the method of claims 2 above, and is similarly rejected along the same rationale.

In regard to dependent claim 35, is directed to a computer readable medium for performing the method of claims 5 above, and is similarly rejected along the same rationale.

In regard to dependent claim 36, *"an access mechanism to receive the markup language documents from one or more of the system users for storage on a data storage device"*, as taught by '555 at page 3, paragraph [0032] (i.e. ... FIG. 2 shows a flow diagram 200 for processing data feeds that are attempting to be added to a unique product manufacturer and retailer inventory database ... hierarchical database, for a network database... An entry may be introduced by a user through a user interface

such as a GUI. The data feed may be in any computer language or format such as

Extensible Markup Language (XML), ... A series of data formatting, cleansing, and

standardizing routines 210 are performed on the data in order to maintain a more

homogenous set of defined data...).

6.   Claims 11, and 28, are rejected under 35 U.S.C. 103(a) as being

unpatentable by Wheeler et al. US Pub No. 2002/0035555 A1 issued 03/21/2002

filed 08/03/2001 provisional No. 60/223,085 filed 08/04/2000 (hereinafter '555), in

view of Mache et al. US Pub No. 2002/0035533 A1 issued 03/21.2002 filed

12/21/2000 (hereinafter '533), further in view of Nicastro et al. US Pub No.

2002/0073114 A1 issued 06/13/2002 filed 10/30/2001 provisional No. 60/244,492

filed 10/30/2000 (hereinafter '114), and in further view of Bowman-Amuah patent

No. 6,606,660 B1 issued 08/12/2003 filed 08/31/1999 (hereinafter '660).

In regard to dependent claim 11, '555, '533, and '114 do not explicitly teach,

"*the network users characteristics comprises one of an Internet Protocol (IP) address, a*

Domain Name System (DNS)...", however as taught by '660 at col. 6, lines 25-40 (i.e.

... DNS...IP address...).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified '660 into '555, '533 and '114 to provide user

encapsulating data access privileges, wherein the network users routing references

characteristics, such as Internet Protocol (IP) address or a Domain Name System

(DNS) being utilized. One of the ordinary skills in the art would have been motivated to

perform such a modification to simplify document collaborating, and exchange information among users via network communication environment, as taught by '114 at page 3, paragraph [0033] (i.e.... Collaboration and the exchange of information, including drawings and item specifications, between design and build participants also increase the complexity of each project...); another advantage is to provide less complex and faster interaction between servers/clients in the conventional web environment, as taught by ' 660 at col. 2, lines 15-16 (i.e.... the conventional Web environment provides less complex, faster interactions...).

In regard to dependent claim 28, is directed to an apparatus for performing the method of claim 11 above, and are similarly rejected along the same rationale.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bucket et al   U.S. Patent No. 6,678,889 B1   issued 01/30/2001   filed 08/06/1999

Chau et al   U.S. Patent No. 6,643,633 B2   issued 11/4/2003   filed 01/31/2002

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (703) 305-8781, **"After mid-Oct, 2004, the examiner can be reach at (571) 272- 4103"**. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
Patent Examiner
Technology Center 2176
September 16, 2004

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER